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**JAN 12 2005**

**OFFICE OF PETITIONS**

In re Application of  
Henry Lee  
Application No.: 10/717,409  
Filed: November 18, 2003  
Attorney Docket No: **0492611-0526**

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: ON PETITION  
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This is a decision on the petition under 37 CFR 1.28(c), filed December 3, 2004.

The petition is **GRANTED**.

The record reflects that the filing fee, claims fees, surcharge, and extension of time fees for the above-cited application were paid at the small entity rate. Petitioner later discovered that the inventive entity did not qualify as a small entity and filed the instant petition, accordingly.

Petitioner has remitted the deficient amount of \$1,902.00.

Pursuant to 37 CFR 1.28(d), the payment of the deficient amount will be treated under 37 CFR 1.27(g)(2) as a notification of a loss of entitlement to small entity status.

The application file will be directed to Technology Center 3700 for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions